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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

EDWARD T. BERGO as CHAIRMAN and
KARL BIK as CO-CHAIRMAN of the
BOARD OF TRUSTEES FOR THE CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
CEMENT MASONS VACATION/HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; CEMENT MASONS
PENSION TRUST FUND FOR NORTHERN
CALIFORNIA; and CEMENT MASONS
APPRENTICESHIP AND TRAINING TRUST
FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

vs.

S. J. WEAVER CONTRACTING, INC., a
California corporation; and STEVEN J.
WEAVER, an Individual,

Defendant.

CASE NO. C-04-4723 SI
Assigned to Hon. Susan Illston for all
purposes.

**JOINT STIPULATION TO CONTINUE
DEADLINE FOR FILING REVISED
DECLARATION OF COUNSEL IN
SUPPORT OF MOTION FOR
ATTORNEYS' FEES AND RULE 11
SANCTIONS; [PROPOSED] ORDER
THEREON**

Complaint Filed: 11/04/04
Judgment Entered: 08/09/06

Pursuant to Local Rules 7-1 and 7-2 of the United States District Court for the Northern
District of California, IT IS HEREBY STIPULATED by and between Plaintiffs EDWARD T.
BERGO as CHAIRMAN and KARL BIK as CO-CHAIRMAN of the BOARD OF TRUSTEES
FOR THE CEMENT MASONS HEALTH AND WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA; CEMENT MASONS VACATION/HOLIDAY TRUST FUND FOR
NORTHERN CALIFORNIA; CEMENT MASONS PENSION TRUST FUND FOR

NORTHERN CALIFORNIA; and CEMENT MASONS APPRENTICESHIP AND TRAINING TRUST FUND FOR NORTHERN CALIFORNIA (“Plaintiffs”) through the law offices of Stanton, Kay & Watson, by James P. Watson, their attorney of record, and Defendant STEVEN J. WEAVER (“Defendants”) through the law offices of Atkinson, Andelson, Loya, Ruud & Romo, by Thomas W. Kovacich, his attorney of record, to the following:

1. WHEREAS, the Court entered judgment for Weaver on August 9, 2006;
2. WHEREAS, Weaver filed his Motion for Attorneys’ Fees and Rule 11 Sanctions (the “Motion”) in this matter on August 23, 2006;
3. WHEREAS, Plaintiffs filed their Notice of Appeal (the “Appeal”) of this matter on September 7, 2006;
4. WHEREAS, on October 3, 2006, the Court issued its order granting Weaver’s Motion in part and denying it in other part and also vacating the hearing scheduled for October 6, 2006;
5. WHEREAS, the Court’s October 3, 2006 order required that Weaver’s counsel submit a supplemental declaration of counsel to conform to said order’s requirements on or before October 13, 2006;
6. WHEREAS, the parties have tentatively agreed to settle their respective disputes and to entered into full and complete mutual releases, to dismiss this action in its entirety with prejudice, including Weaver’s Motion for Attorneys’ Fees and Plaintiffs’ Appeal;
7. WHEREAS, Weaver’s counsel prepared and transmitted draft settlement documents to Plaintiffs’ counsel on October 18, 2006, but have not yet received the executed settlement agreement or requests for dismissal from Plaintiffs.
8. WHEREAS, a further continuance of approximately thirty (30) days for Weaver’s counsel to submit the supplemental declaration of counsel is warranted in order to allow the parties to finalize the settlement documents and file appropriate dismissals, thereby conserving time and expenses for the Court and parties.

NOW, THEREFORE the parties hereby agree as follows:

The deadline for the filing of the supplemental declaration of Weaver’s counsel in

support of Weaver's motion for attorneys' fees, currently due on or before November 13, 2006,
should be continued to December 13, 2006.

DATED: November 9, 2006

STANTON, KAY & WATSON

By: /S/
James P. Watson
Attorneys for Plaintiffs

DATED: November 9, 2006

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

By: /S/
Thomas W. Kovacich
Attorneys for Defendant STEVEN J. WEAVER

[PROPOSED] ORDER

Having read the above set forth Stipulation and good cause appearing therefore:

IT IS HEREBY ORDERED that:

The deadline for the filing of the supplemental declaration of Weaver's counsel in
support of Weaver's Motion for Attorneys' Fees, currently due on or before November 13, 2006,
shall be continued to December 13, 2006.

IT IS SO ORDERED.

DATED: _____



HON. SUSAN ILSTON
UNITED STATES DISTRICT JUDGE